

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CASE NO. 1-18CV-293-FDW

John Anthony Hill,

Plaintiff,

v.

Derrick Palmer, et al.,

Defendant.

**ANSWER TO AMENDED  
COMPLAINT BY DERRICK  
PALMER AND MARK  
PATTERSON**

Defendants Sheriff Derrick Palmer and Mark Patterson answer the Plaintiff's Amended Complaint as follows:

**I. Jurisdiction and Venue**

1. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

2. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

**II. Plaintiffs**

3. Defendants admit the allegations in this paragraph.

**III. Defendants**

4. Defendants admit the allegations in this paragraph.

5. Defendants admit only that Patterson was formerly the Jail Administrator at the Detention Center. Except as admitted, Defendants deny the remainder of the allegations in this paragraph.

6. Defendants admit only that Bresch was formerly a lieutenant at the Detention Center. Except as admitted, Defendants deny the remainder of the allegations in this paragraph.

7. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

8. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

#### **IV. Facts.**

9. No response is necessary for this paragraph.

10. Defendants deny the allegations in this paragraph.

11. Defendants deny the allegations in this paragraph.

12. Defendants admit only that Plaintiff had a dental appointment. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

13. Defendants admit only that Plaintiff was taken to Franklin, North Carolina for treatment. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

14. Defendants deny the allegations in this paragraph.

15. Defendants deny the allegations in this paragraph.
16. Defendants deny the allegations in this paragraph.
17. Defendants deny the allegations in this paragraph.
18. Defendants deny the allegations in this paragraph.
19. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
20. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
21. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
22. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
23. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
24. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
25. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.
26. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

27. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

28. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

29. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

30. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

31. Defendants admit only that Plaintiff sent letters to the county manager and county attorney. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

32. Defendants admit the Plaintiff sent a letter to the county attorney but deny the remainder of the allegations in this paragraph.

33. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

34. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

35. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

36. Defendants admit only that the Plaintiff continues to write numerous individuals. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

37. Defendants deny the allegations in this paragraph.

38. Defendants deny the allegations in this paragraph.

39. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

40. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

41. Defendants admit only that Sheriff Palmer is the keeper of the jail. Except as so admitted, Defendants deny the remainder of the allegations in this paragraph.

42. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

43. Defendants deny the allegations in this paragraph.

44. Defendants deny the allegations in this paragraph.

## **V. Exhaustion of Legal Remedies**

43. Defendants lack sufficient knowledge or information to form a belief as to the truth of the allegations in this paragraph.

## **VI. Legal Claim**

### **Count I**

- 44. No response is necessary for this paragraph.
- 45. Defendants deny the allegations in this paragraph.
- 46. Defendants deny the allegations in this paragraph.
- 47. Defendants deny the allegations in this paragraph.
- 48. Defendants deny the allegations in this paragraph.
- 49. Defendants deny the allegations in this paragraph.

### **Count II**

- 50. No response is necessary for this paragraph.
- 51. Defendants deny the allegations in this paragraph.
- 52. Defendants deny the allegations in this paragraph.
- 53. Defendants deny the allegations in this paragraph..

### **Count III**

- 54. No response is necessary for this paragraph.
- 55. Defendants deny the allegations in this paragraph.
- 56. Defendants deny the allegations in this paragraph.
- 57. Defendants deny the allegations in this paragraph.

### **Count IV**

- 58. No response is necessary for this paragraph.
- 59. Defendants deny the allegations in this paragraph.

60. Defendants deny the allegations in this paragraph.

61. Defendants deny the allegations in this paragraph.

### **Count V**

62. No response is necessary for this paragraph.

63. Defendants deny the allegations in this paragraph.

64. Defendants deny the allegations in this paragraph.

## **VII. Prayer for Relief**

65. Defendants deny the allegations in this paragraph.

66. Defendants deny the allegations in this paragraph.

67. Defendants deny the allegations in this paragraph.

68. Defendants deny the allegations in this paragraph.

### **First Affirmative Defense**

The Defendants are entitled to qualified immunity.

### **Second Affirmative Defense**

The Complaint fails to state a claim upon which relief can be granted.

### **Third Affirmative Defense**

The Plaintiff has failed to exhaust his administrative records under the Prison Litigation Reform Act.

WHEREFORE, the Defendants respectfully request that the Plaintiff take nothing by way of his Complaint, for trial by jury, and such other relief as the Court deems just and proper.

Respectfully submitted, this the 3<sup>rd</sup> day of April, 2019.

s/Sean F. Perrin

Sean F. Perrin

N.C. State Bar No. 22253

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*Attorneys for Defendants*



## **CERTIFICATE OF SERVICE**

This is to certify that on April 3, 2019, the undersigned filed the foregoing in the above-captioned via the CM/ECF system, and mailed a copy to:

John Anthony Hill  
Cherokee County Detention Center  
577 Regal Street  
Murphy, NC 28900

Jeremy Bresch  
17 Dusty Lane  
Murphy, NC 28906

Carrie Colwell  
Head Nurse  
Cherokee County Detention Center  
577 Regal Street  
Murphy, NC 28900

s/Sean F. Perrin